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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,362	04/09/2004	Gary Fisher	35483US1	1194
116 7590 03/12/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER PELHAM, JOSEPH MOORE	
			ART UNIT 3742	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/12/2007	
			DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/821,362

Applicant(s)

FISHER, GARY

Examiner

Joseph M. Pelham

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-11, 13-24 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-11, 13-24, 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The Examiner acknowledges Applicant's submission of the amendment filed 2/7/07. Claims 1-5, 8-11, 13-24, and 26-32 are now pending.

***Claim Rejections - 35 USC § 103***

Claims 1-3, 5, 8, 9, 11, 13-19, 23, 24, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Appl. 2005/0173401 (US'401) in view of US Pat. 6809301 (US'301) and US Pat. 6949723 (US'723).

US'401 discloses, at Figs. 1-4 and paragraphs. [0017] and [0021], a plurality of range top heating elements 402-408, a first range chamber heating means with bake and broil elements 410, 412, and a second range chamber comprising a warming drawer. US'401 does not explicitly disclose a central microprocessor for controlling all heating functions, a touch pad interface, a range-top warmer, sensor/limit switch control of the range-top burners, and both warmers operating on a duty cycle controlled by the microprocessor. However, referring to Figs. 1-4 & 7, col. 1, line 60, through col. 2, line 22, col. 4, lines 13-30, and col. 8, lines 9-23, especially, US'301 discloses a central microprocessor 152 for controlling all heating functions in a range oven, a touch pad interface 34, and a range-top warmer 28 operating on a duty cycle, and , sensor/limit switch control of the range-top burners. It would have been obvious to adapt the microprocessor, range-top warmer, and control algorithm of US'301 to the range of US'401 to allow a warming function also for range-top cooking, to consolidate control of range functions, and since US'301 shows "duty cycle" control of range warmers to be conventional. Moreover, a glass capacitive touch pad operator interface does not patentably distinguish the claimed invention from the prior art; either the touch pad means of US'301 are inherently of the glass capacitive type, since such are conventional touch pad means, or they would have been considered as a matter of course by the artisan for the same reason.

Claims 4, 10, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'401 in view of US'301 and US'723, as applied to claims 1-3, 5, 8, 9, 11, 13-19, 23, 24, and 26-32 above, and further in view of US Pat. 6198080 (US'080).

The claims differ from US'401 in view of US'301 only in calling for a bridge burner. Referring to Figs. 1-3, col. 2, lines 3-14, and col. 3, lines 4-9, US'080 discloses a range top bridge burner. It would have been obvious to adapt the bridge burner of US'080 to the range of US'401 in view of US'301, to enhance cooking versatility.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground of rejection.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/2/07

  
JOSEPH PELHAM  
PRIMARY EXAMINER